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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of )  
COLIN OLOMAN ET AL. )  
Serial No.: 09/924,404 )  
Filing Date: August 7, 2001 )

FOR: ELECTROLYTIC GENERATION OF  
NITROGEN

Group Art Unit: 1742

PETITION FOR REVIVAL UNDER 37 C.F.R. § 1.137(b)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Wesley A Nicolas  
Examiner

Dear Sir:

This communication is in response to the final rejection in the Office Action dated May 5, 2004. Being filed herewith is a Response under 37 C.F.R. § 1.113, a Notice of Appeal under 37 C.F.R. § 41.31 and a Terminal Disclaimer under 37 C.F.R. § 1.137(d). Also being filed herewith is a Fee Transmittal Sheet with payment for a three-month extension of time for response under 37 C.F.R. § 1.136, for the Notice of Appeal, for the Terminal Disclaimer and for this Petition for Revival under 37 C.F.R. § 1.137(b).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 222313-1450 on February 15, 2005

Cindy Guido

(Name)

*Cindy Guido*  
(Signature)

February 15, 2005

(Date of Signature)

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Claim 37 is the only claim pending in this divisional application.

On May 5, 2004, the Examiner issued an Office Action containing a Final Rejection in the present application. Response to that Office Action was due not later than November 5, 2004.

No response was filed by the due date of November 5, 2004. The application thereupon became abandoned. It is submitted that the entire delay in filing the required response from the due date of the response to the filing of this grantable petition was unintentional.

Applicants herein respectfully petition and request that the application be revived and reinstated as having been unintentionally abandoned within the meaning of 37 C.F.R. § 1.137(b).

Applicants have herein complied with all requirements of § 1.137(b). A Response under § 1.113 responding fully to the final rejection is submitted herewith. As Applicant is aware that filing of a Response under § 1.113 does not automatically halt the running of a time period for response following a final rejection, Applicant is also submitting herewith a Notice of Appeal from the rejection of Claim 37, to provide sufficient time for the Examiner to consider whether, as Applicants believe, the amendments to Claim 37 avoid the final rejection. Applicants have also submitted herewith a Fee Transmittal Statement providing for payment of the required petition fee.

A Terminal Disclaimer in accordance with § 1.137(d) is also enclosed herewith.

#### CONCLUSION

In view of the above, it is submitted that the application is appropriate for revival under § 1.137(b), and Applicants therefore respectfully request that this Petition for Revival be GRANTED.

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Should it be considered by the Patent and Trademark Office representative that granting of this Petition might be expedited by discussion of any issue related thereto, a telephone call (collect) to the undersigned attorney for Applicants is cordially invited.

Respectfully submitted,



James W. McClain, Reg. No. 24,536  
Attorney for Applicants

Date: February 15, 2005

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